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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,374	07/09/2001	Michael J. Geile	100.070US26	6587

7590 07/12/2002

Fogg, Slifer & Polglaze, P.A.
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EXAMINER

CUMMING, WILLIAM D

ART UNIT PAPER NUMBER

2684

DATE MAILED: 07/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

[Handwritten signature]

Art Unit: 2684

Notice of Non-Responsive Amendment.doc 7/9/02

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Response to Amendment

1. The reply filed on June 27, 2001 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

If the application is a utility or plant application filed on or after November 29, 2000, any claim for priority must be made during the pendency of the application and within the **later of four months from the actual filing date of the application or sixteen months** from the filing date of the prior application. See 37 CFR 1.78(a)(2) and (a)(5). This time period is not extendable and a failure to submit the reference required by 35 U.S.C. 119(e) and/or 120, where applicable, within this time period is considered a waiver of any benefit of such prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). A priority claim filed after the required time period may be accepted if it is **accompanied by a grantable petition** to accept an unintentionally delayed claim for priority under 35 U.S.C. 119(e), 120, 121 and 365(c). The petition must be accompanied by (1) **a surcharge under 37 CFR 1.17(t)**, and (2) **a statement** that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional. The petition should be directed to the Office of Petitions, Box DAC, Assistant Commissioner for Patents, Washington, DC 20231.. See 37 CFR 1.111. Applicants did not submit the petition, statement or petition surcharge.

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2. Since the above-mentioned reply
appears to be *bona fide*, applicant is
given **ONE (1) MONTH or THIRTY (30)**
DAYS from the mailing date of this
notice, whichever is longer, within which
to supply the omission or correction in
order to avoid abandonment.

EXTENSIONS OF THIS TIME PERIOD

MAY BE GRANTED UNDER 37 CFR

1.136(a).

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **WILLIAM D. CUMMING** whose telephone number is **703-305-4394**. The examiner can normally be reached on Monday - Wednesday 11:30am to 8:30pm, EDT.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **DAINIEL HUNTER** can be reached on 703-308-6732. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.


WILLIAM D. CUMMING
Primary Examiner
Art Unit 2684

wdc
July 9, 2002



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